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Filing date: **06/09/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Eco Textiles Group, Inc.		
Entity	Corporation	Citizenship	California
Address	1035 South Grand Ave. Los Angeles, CA 90015 UNITED STATES		

Correspondence information	Farhad Novian Attorney Novian & Novian, LLP 1801 Century Park east Los Angeles, CA 90067 UNITED STATES farhad@novianlaw.com
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### Registration Subject to Cancellation

Registration No	1995809	Registration date	08/20/1996
Registrant	Kukon, Brian K. 525 Meixsell Street Easton, PA 18042 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 025. First Use: 1993/03/00 First Use In Commerce: 1993/03/00  
All goods and services in the class are cancelled, namely: clothing, namely, T-shirts, tops, shorts, sweatsuits, warm-up suits, tights, headbands, caps, hats, jackets, sweaters, rain wear and footwear

### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition to Cancel.pdf ( 3 pages )(22267 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Joseph A. Lopez/
Name	Joseph A. Lopez

Date	06/09/2010
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ECO TEXTILES GROUP, INC.  
Petitioner,

Registration No. 1995809

v.

PETITION FOR CANCELLATION

BRIAN K. KUKON  
Registrant.

In the matter of the Trademark Registration No. 1995809 in Class 25 for "clothing, namely, T-shirts, tops, shorts, sweatsuits, warm-up suits, tights, headbands, caps, hats, jackets, sweaters, rain wear and footwear" which issued on August 20, 1996, (the "Registration") for the word mark ECOTEX (the "Registrant's Mark") owned by BRIAN K. KUKON, having an address of 525 Meixsell Street, Easton, Pennsylvania 18042 ("Registrant"). Eco Textiles Group, Inc., a corporation organized and existing under the laws of California, and having a principal place of business at 1035 South Grand Avenue, Los Angeles, CA 90015 (hereinafter referred to as "Petitioner"), believes it has been and will be damaged by Registrant's Mark and hereby seeks cancellation of same.

The grounds for the cancellation are as follows:

1. Registrant claims to own the rights in Registrant's Mark by virtue of its use in commerce, and has obtained the Registration on the same basis. Registrant claims a date of first use of March 1993.
2. Petitioner owns and operates a line of products under the label "Ecotex" ("Petitioner's Mark"). Petitioner has made actual use of Petitioner's Mark in commerce since at least June 1992, and on that basis has applied for trademark

registration in class 25 on a 1(a) basis (Serial No. 85058834) and submitted samples of use concurrently therewith.

3. Petitioner's rights in Petitioner's Mark can be traced back to as early as June 1992. Such use predated use of Registrant's Mark by almost a year and, on that basis, Petitioner has superior rights to the mark ECOTEX.
4. Upon information and belief, Registrant is no longer making use of Registrant's Mark in commerce and, by virtue of such non-use, has abandoned its mark.
5. Petitioner is making active use in commerce of Petitioner's Mark. This includes actual product lines in class 25 for clothing, all labeled and sold under the name ECOTEX, as evidenced by Petitioner's Serial No. 85058834 and the sample of use submitted concurrently therewith.
6. The Registration poses a threat to Petitioner's Mark, in that the Registration might be used as a basis to challenge Petition's application, either by virtue of a USPTO office action or by Registrant initiating opposition proceedings.
7. Registrant's Mark creates a substantial obstacle towards the registration of Petitioner's Mark for ECOTEX, in which mark Petitioner has superior rights by virtue of an earlier use in commerce since at least June 1992, by Petitioner's current use in commerce, and by Registrant's apparent abandonment of Registrant's Mark by non-use.

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8. For the foregoing reasons, Petitioner is being damaged and harmed by the  
Registration.

WHEREFORE, Petitioner prays that the Registration be canceled.

/Joseph A. Lopez/  
JOSEPH A. LOPEZ  
Attorney for Petitioner  
Novian & Novian, LLP  
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Los Angeles, CA 90067  
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[joseph@novianlaw.com](mailto:joseph@novianlaw.com)

Dated: June 9, 2010

#### CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing PETITION FOR CANCELLATION  
was served on Registrant on June 9, 2010 as follows:

BY U.S. MAIL  
Brian K. Kukon  
525 Meixsell Street  
Easton, Pennsylvania 18042

/Katya Calderone/  
KATYA CALDERONE  
Paralegal

Date: June 9, 2010